

AMENDED IN ASSEMBLY APRIL 6, 2010

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

ASSEMBLY BILL

No. 1815

Introduced by Assembly Member Emmerson

February 11, 2010

An act to ~~amend Section 5060 of~~ *amend Sections 5157 and 5159 of,*
and to add Section 5156.1 to, the Vehicle Code, relating to vehicles,
and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

AB 1815, as amended, Emmerson. Vehicles: special interest license
~~plates:~~ *plates: NASCAR.*

Existing law authorizes private organizations to apply to the Department of Motor Vehicles for participation in special interest license plate programs authorized by legislation in which the department issues license plates with a participating organization's distinctive design, decal, or descriptive message and specifies the design criteria for the special license plate. Existing law requires that the organization collect and receive a minimum of 7,500 applications and fees for the special interest license plates from the date of the enactment of the legislation authorizing the special interest license plate. Existing law permits any individual to apply for an organization's special interest license plate.

~~This bill would make a technical, nonsubstantive change to these provisions.~~

Existing law also authorizes a state agency to apply to the Department of Motor Vehicles to sponsor a specialized license plate program and requires the department to issue the specialized license plates for the program if the state agency complies with specified requirements.

This bill would authorize the Bureau of Automotive Repair (bureau) to apply to the department to cosponsor a program with the NASCAR Foundation (foundation), a nonprofit organization, for a series of specialized NASCAR license plates that bear emblems, seals, or other symbols or designs displaying themes of professional stock car auto racing, or professional stock car auto racing drivers. The bill would require the department to issue the specialized plates if the bureau complies with existing requirements applicable to specialized license plate programs and if one of 3 conditions occurs.

The bill would authorize the department and the bureau to contract with 3rd-party vendors or the Prison Industry Authority for the manufacture, processing, and distribution of the specialized NASCAR license plates. The bill would specify that the fee for the original issuance of the specialized license plates be \$60, and, for the renewal of registration with the plates, the fee would be \$50. The bill would also require that these fees be distributed no less frequently than each quarter annually to the department, the bureau, and the foundation in specified amounts.

By requiring that the fees for the original issuance and the renewal of a plate be distributed directly to the department, the bureau, and the foundation, the bill would make a continuous appropriation of these funds.

Vote: majority. Appropriation: ~~no~~-yes. Fiscal committee: ~~no~~ yes. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 5156.1 is added to the Vehicle Code, to
2 read:
3 5156.1. (a) (1) Notwithstanding Sections 5154, 5155, and
4 5156, the Bureau of Automotive Repair, on behalf of the High
5 Polluter Repair or Removal Account established by Article 9
6 (commencing with Section 44090) of Chapter 5 of Part 5 of
7 Division 26 of the Health and Safety Code, may apply to the
8 department to cosponsor a program with the NASCAR Foundation,
9 a nonprofit foundation operating pursuant to Section 501(c)(3) of
10 the Internal Revenue Code, for a series of officially licensed
11 National Association for Stock Car Auto Racing (NASCAR)
12 driver-specialized license plates, and the department shall issue,
13 or cause to be issued, specialized plates for that program, if the

1 *Bureau of Automotive Repair complies with the requirements of*
2 *this article. This series of plates may bear emblems, seals, or other*
3 *symbols or designs displaying themes of professional stock car*
4 *auto racing, or professional stock car auto racing drivers.*

5 *(2) The department shall not issue specialized license plates for*
6 *a vehicle that is exempt from the payment of registration fees*
7 *pursuant to Section 9101 or 9103.*

8 *(b) The department shall not establish this program until one*
9 *of the following occurs:*

10 *(1) The department has received an advance payment from, or*
11 *on behalf of, the Bureau of Automotive Repair pursuant to a direct*
12 *contract with the department that represents the department's*
13 *estimated or actual initial setup and programming costs associated*
14 *with the establishment of this program. The contract shall provide*
15 *for the repayment of the advance payment to the party or parties*
16 *who advanced the funds as part of the initial revenues distributed*
17 *to the bureau pursuant to this program.*

18 *(2) The department has received not less than 7,500 applications*
19 *for the bureau's specialized license plates. The bureau shall collect*
20 *and hold applications for the plates. Once the bureau has received*
21 *at least 7,500 applications, it shall submit the applications, along*
22 *with the necessary fees, to the department. The department shall*
23 *not issue a specialized license plate until the bureau has received*
24 *and submitted to the department not less than 7,500 applications*
25 *for this specialized license plate within the time period prescribed*
26 *in this section.*

27 *(3) The department has received a certain number of*
28 *applications, together with an advance payment from, or on behalf*
29 *of, the Bureau of Automotive Repair, in amounts deemed sufficient*
30 *by the department to cover the department's estimated or actual*
31 *initial setup and programming costs associated with the*
32 *establishment of this program. The bureau shall collect and hold*
33 *applications for the plates. Once the bureau has received the*
34 *specified applications and the advance payment, it shall submit*
35 *the applications, along with the necessary fees, and the advance*
36 *payment, to the department. The department shall not issue a*
37 *specialized license plate until the bureau has received and*
38 *submitted to the department the applications and advance payment*
39 *for this specialized license plate program within the time period*
40 *prescribed in this section. The contract shall provide for the*

1 *repayment of the advance payment to the party or parties who*
2 *advanced the funds as part of the initial revenues distributed to*
3 *the bureau pursuant to this program.*

4 *(c) Notwithstanding Section 4850, the department and the*
5 *Bureau of Automotive Repair may contract with third-party vendors*
6 *or the Prison Industry Authority for the manufacture, processing,*
7 *and distribution of specialty license plates produced pursuant to*
8 *this section.*

9 *(d) The department shall cause to be issued any plate in this*
10 *series without a minimum number of applications for a specific*
11 *design.*

12 *(e) (1) If, five years after the program is established, the number*
13 *of outstanding and valid specialized plates in this program is less*
14 *than 7,500, the department shall notify the Bureau of Automotive*
15 *Repair and shall inform the bureau that if the number is less than*
16 *7,500 one year from the date of that notification, the department*
17 *will no longer issue or replace plates created under this program.*

18 *(2) Any plates issued prior to the discontinuation of the program,*
19 *as provided in paragraph (1), may continue to be used and attached*
20 *to the vehicle for which they were issued and may be renewed,*
21 *retained, or transferred pursuant to this code.*

22 *SEC. 2. Section 5157 of the Vehicle Code is amended to read:*

23 *5157. (a) In addition to the regular fees for an original*
24 *registration or renewal of registration, the following additional*
25 *fees shall be paid for the issuance, renewal, or transfer of the*
26 *specialized license plates:*

27 *(1) For the original issuance of the plates, fifty dollars (\$50).*

28 *(2) For a renewal of registration with the plates, forty dollars*
29 *(\$40).*

30 *(3) For transfer of the plates to another vehicle, fifteen dollars*
31 *(\$15).*

32 *(4) For each substitute replacement plate, thirty-five dollars*
33 *(\$35).*

34 *(5) In addition, for the issuance of environmental license plates,*
35 *as defined in Section 5103, with a specialized license plate design,*
36 *the additional fees prescribed in Sections 5106 and 5108. The*
37 *additional fees prescribed in Sections 5106 and 5108 shall be*
38 *deposited in the California Environmental License Plate Fund.*

39 *(6) Notwithstanding paragraphs (1) and (2), for the original*
40 *issuance of specialized license plates pursuant to Section 5156.1,*

1 *sixty dollars (\$60), and for the renewal of registration with the*
2 *plates, fifty dollars (\$50).*

3 (b) The Gold Star Family specialized license plate program as
4 provided in subdivision (d) of Section 5156 shall not be subject
5 to the fees specified in paragraphs (1), (2), and (5) of subdivision
6 (a) and shall only be issued in a sequential series.

7 (c) Except as provided in ~~paragraph~~ paragraphs (5) and (6) of
8 subdivision (a) *and subdivisions (b) and (c) of Section 5159*, and
9 after deducting its administrative costs under this section, the
10 department shall deposit the additional revenue derived from the
11 issuance, renewal, transfer, and substitution of the specialized
12 license plates in the Specialized License Plate Fund, which is
13 hereby established in the State Treasury. Upon appropriation by
14 the Legislature, the moneys in that fund shall be allocated to each
15 sponsoring agency, in proportion to the amount in the fund that is
16 attributable to the agency's specialized license plate program.
17 Except as authorized under Section 5159, the sponsoring agency
18 shall expend all funds received under this section exclusively for
19 projects and programs that promote the state agency's official
20 policy, mission, or work.

21 (d) (1) The Department of Veterans Affairs may actively request
22 and receive donations for the Gold Star Family License Plate
23 Account which is hereby created in the Specialized License Plate
24 Fund and which may consist of donations from public and private
25 entities. Earnings generated by the Gold Star Family License Plate
26 Account shall be retained by the account.

27 (2) Upon the determination of the department that there are
28 sufficient funds in the Gold Star Family License Plate Account
29 for this purpose, moneys in the Gold Star Family License Plate
30 Account shall be available, upon appropriation by the Legislature,
31 to the department for the necessary administrative costs of
32 establishing the Gold Star Family specialized license plate program.

33 *SEC. 3. Section 5159 of the Vehicle Code is amended to read:*

34 5159. ~~A~~(a) *Except as provided in subdivisions (b) and (c), a*
35 *state agency that is eligible to participate in a specialized license*
36 *plate program pursuant to this article and receives funds from the*
37 *additional fees collected from the sale of specialized plates shall*
38 *not expend annually more than 25 percent of those funds on*
39 *administrative costs, marketing, or other promotional activities*

1 associated with encouraging application for, or renewal of, the
2 specialized plates.

3 *(b) Funds collected by the department from the original issuance*
4 *fees from the sale of specialized license plates established pursuant*
5 *to Section 5156.1 shall be distributed no less frequently than each*
6 *quarter annually, as follows:*

7 *(1) To the department, twenty dollars (\$20).*

8 *(2) To the Bureau of Automotive Repair's High Polluter Repair*
9 *or Removal Account, ten dollars (\$10).*

10 *(3) To the NASCAR Foundation, thirty dollars (\$30).*

11 *(c) Funds collected by the department from renewal fees from*
12 *the specialized license plate program established pursuant to*
13 *Section 5156.1 shall be distributed no less frequently than each*
14 *quarter annually, as follows:*

15 *(1) To the department, twenty dollars (\$20).*

16 *(2) To the Bureau of Automotive Repair's High Polluter Repair*
17 *or Removal Account, seven dollars (\$7).*

18 *(3) To the NASCAR Foundation, twenty-three dollars (\$23).*

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21 **All matter omitted in this version of the bill**
22 **appears in the bill as introduced in the**
23 **Assembly, 2/11/10. (JR11)**
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